

GS 0648 A US

REMARKS

Applicant's attorney notes with appreciation the allowance of claim 7.

In this amendment independent claims 1 and 13 have each been amended to further recite the operation of the transmission, to clarify that the regulator is a slippage regulator, and also to further describe the measured and target slippage values and their relationship to the slippage regulation to which the claims are directed from a method and from an apparatus standpoint.

Claims 1 through 4, 6, 8 through 10, 12, and 13 were rejected as obvious based upon the Gulia '286 and Hattori et al. '214 references. Additionally, claim 11 was rejected as obvious over those same references when considered together with the Hiramatsu et al. '773 reference.

The Gulia reference relates to an entirely different transmission structure and operation from that being claimed herein. Gulia relates to a friction disc drive arrangement, not one involving conical disks and a contacting endless torque-transmitting means, wherein the contact force between the conical disks and the endless torque-transmitting means is controlled to regulate the slippage therebetween. Moreover, the examiner acknowledged that the Gulia reference does not disclose the step involving the determination of a regulator output value by comparing actual and target values.

The Hattori et al. reference was cited for allegedly disclosing the step that the Gulia reference lacked. However, the Hattori et al. reference does not

GS 0648 A US

disclose a slippage regulator, nor does it disclose determining a slippage regulator output value by comparing an actual slippage value with a target slippage value corresponding with a transmission operating parameter. It also does not disclose the determination of a control variable as a function of a preliminary adjusting value and a slippage regulator output value. Accordingly, the combination of the Gulla and Hattori et al. disclosures does not teach or even suggest the method as claimed in amended claim 1 and the apparatus as claimed in amended claim 13. Furthermore, the references are each directed to different problems – Gulla is directed to a friction disc drive transmission structure and Hattori et al. is directed to a speed ratio control arrangement in a continuously variable transmission. Indeed, the Gulla reference does not even mention the term "slippage," and the Hattori et al reference only does so at col. 3, line 67, and only as something to be avoided. Thus, one would not be motivated to combine the teachings of those references. And even if one were to do so, the combination does not suggest the claimed invention.

Dependent claims 2 through 4, 6, 8 through 10, and 12 each depend from claim 1, and therefore the same distinctions as are noted above relative to amended claim 1 apply with equal effect to those dependent claims. Further, each of the dependent claims contains additional limitations that even further distinguish the invention as so claimed from the teachings of the references relied upon.

GS 0648 A US

The Hiramatsu et al. reference also relates to a different problem and structure, one in which slippage in a slip clutch disposed between an engine and a transmission is regulated. And that reference also does not disclose those method steps and apparatus components that are identified above in connection with distinguishing the claimed invention from the disclosures contained in the Gulia and Hattori et al. references.

In connection with combining the disclosures of the references, as noted above each of the references relied upon by the examiner relates to a different structural arrangement, to a different problem, and to a different method and apparatus than those to which the present invention is directed. And because of those differences, there would be no motivation to combine them.

In addition to the above-noted distinctions between the claims and the references, there is also no motivation apparent from the references themselves that would lead one having only ordinary skill in the art to attempt to combine them in any particular way. And even if they were to be combined, the combination still does not teach or suggest the invention as it is now claimed.

Based upon the foregoing amendments and remarks, the claims as they now stand in the application are believed clearly to be in allowable form in that they patentably distinguish over the disclosures contained in the references that were cited and relied upon by the examiner, whether those references be considered in the context of 35 U.S.C. § 102 or of 35 U.S.C. § 103. Consequently, reconsideration and reexamination of the application is

GS 0648 A US

respectfully requested with a view toward the issuance of an early Notice of Allowance.

The examiner is cordially invited to telephone the undersigned attorney if this Amendment raises any questions, so that any such question can be quickly resolved in order that the present application can proceed toward allowance.

Respectfully submitted,



August 31, 2006

Alfred J. Mangels
Reg. No. 22,605
4729 Cornell Road
Cincinnati, Ohio 45241
Tel.: (513) 469-0470